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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,920	11/09/1999	SHRINIWAS OHIA	062891.0320	7304

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/436,920

Applicant(s)

OHIA, SHRINIWAS

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/25/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 3, 5-7, 9, 10, 12, 14, 16, 17 & 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (U.S. 6,192,414) and in view of Mitchell et al (U.S. 6,230,181).

As per claim 1 Horn disclosed a system for communicating management information, comprising: a first interface card; a second interface card; and a management card coupled to the first interface card and the second interface card (Fig. 14, col. 9, lines 1-14).

However Horn failed to disclose the management card operable to establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to a command communicated by the client; and communicate management information using the communication link. In the same field of endeavor Mitchell disclosed the management card operable to establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to a command communicated by the client; and communicate management information using the communication link (col. 4, lines 1-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the management card operable to establish a communication link between a client and a particular one of the first interface card and the second interface card

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selected in response to a command communicated by the clients as taught by Mitchell into the management information system of Horn to make the system more stable and fault tolerant.

3. As per claim 3, 9 & 17 Mitchell disclosed wherein: the first interface card is coupled to a first network device that uses a first operating system (col. 3, lines 58-63); the second interface card is coupled to a second network device that uses a second operating system (col. 3, lines 63-67); and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card (col.6, lines 66-67 & col.7, lines 1-10).

4. As per claim 5 Horn disclosed wherein the command comprises information selecting one of the first interface card and the second interface card (col. 10, lines 10-40).

5. As per claim 6 Mitchell disclosed wherein the management information comprises information used to configure a network device associated with the particular interface card (col. 6, lines 66-67 & col. 7, lines 1-10).

6. As per claim 7 & 14 Horn disclosed a method for communicating management information performed by a management card, comprising: receiving a command from a client, the command identifying a particular one of a first interface card and a second interface card (col. 9, lines 61-67 & col. 10, lines 1-10); establishing a communication link between the client and the particular interface card in response to receiving the command; and communicating management information using the communication link (col. 10, lines 11-40).

7. As per claim 10 Horn taught a method further comprising operating the client to generate the command and the management information (col. 5, lines 22-32).

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8. As per claim 12 & 19 Horn taught wherein the command comprises information selecting one of the first interface card and the second interface card (col. 5, lines 22-32).

9. As per claim 16 Horn disclosed wherein the processor is further operable to communicate management information using the communication link (col.5, lines 1-15).

10. Claim 2, 4,8,11,13,18,15 &20 rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (U.S. 6,192,414), Mitchell et al (U.S. 6,230,181) and in view of Latif et al (U.S. 6,393,483).

11. As per claim 2 Horn-Mitchell failed to disclose wherein the management card comprises: a switch operable to establish the communication link between the client and one of a first port and a second port; a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command identifying a particular interface card; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port. In the same field of endeavor Latif disclosed wherein the management card comprises: a switch operable to establish the communication link between the client and one of a first port and a second port (col. 5, lines 10-20); a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command identifying a particular interface card; determine the port associated with the particular interface card using the mapping information

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(col. 6, lines 27-47); and command the switch to establish the communication link between the client and the determined port (col. 6, lines 52-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated processor coupled to the memory and the switch as taught by Latif in the system of Horn-Mitchell to make it more versatile and time consuming.

12. As per claim 4, 11 & 18 Latif taught wherein the communication link comprises a serial communication path (col. 5, lines 10-20).

13. As per claim 13 & 20 Latif taught wherein the management information comprises information used to configure a network device associated with the particular interface card (col. 3, lines 30-41 & lines 54-67).

### *Response to Arguments*

14. Applicant's arguments filed 06/25/02 have been fully considered but they are not persuasive. According to applicants following arguments:

A. In regards of claim 1 applicant argued the cited portion of Horn disclosed nothing more than generic "network cards" none of which qualify as a "management card".

B. In regards of claim 1 applicant argued "Shutdown" and "reset" operations are described by Mitchell have nothing to do with the management techniques of claim 1. By shutting down and resetting the embedded system 10 to resemble a "power off condition" (col. 1, 1. 40), the "management card" of Mitchell effectively destroys existing communication links.

C. In regards of claim 1 applicant argued Horn-Mitchell combination fails to even contemplate a “client” a “command communicated by the client”, or an interface card “selected in response to a “command communicated by the client”.

D. In regards claims 3 and 5-6 Horn-Mitchell combinations fails to teach, suggest or disclose a “processor... operable to configure the management information for the operating system of the network device associated with the particular interface card.

E. In regards claim 3 and 6 the cited portions of Mitchell offer no information regarding configuring “management information” or configuring a “network device”. Instead, the cited portions merely state that the “PLD may be programmed to implement a state machine,” and that the state machine... may be implemented using... software” such as software written in “VHDL” (col. 7, 11. 3-10).

F. In claim 7, Mitchell reference that actually teaches away from a “processor...operable to...command the switch to establish a communication link between the client and the particular interface card”

G. In claim 2, Switch 140 of Latif is nothing more than a traditional network switch (col. 6, 11. 31-35). Such a traditional network switch is not a part of a “management card”.

H. The management card comprises... a switch...a memory...and a processor.” Latif simply fails to consider a “management card”

I. The traditional network switch 140 of Latif transmits data from one of multiple ports of a particular NIC to a host and a port “of the management card”.

J. The cited portions of Latif simply fail to disclose such a “command identifying particular interface card.



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15. Examiner feels the arguments made by the Applicant are very vague. As examiner goes through the arguments as follows:

16. In part A applicant argument is very broad and can be interpreted with multiple interpretations. The claim 1 recites the word Interface card that didn't give any inclination of any particular interface card. Horn has the functionality of the managing the Interface cards but fail to go in details therefore the examiner combines the Mitchell.

17. In part B in response to the argument Mitchell has the "gateway card" which has the functionality of the "management card" (col. 5, lines 1-25). The "shutdown" and "reset" operation is one of the aspects of the gateway card/management card. The "shutdown" and "reset" are basically remotely shutting-down and resetting the system as compare manually shutting down. Every Networking device has a capability of shutting-down and resetting capability but has nothing to do with disconnecting the communication. If you like to take system offline you have to do shutdown the system( — ) .

18. In response to part C Mitchell has the "gateway card" which performs protocol processing and the placing the calls on a LAN/WAN. LAN/WAN are combinations of Clients and Servers. Clients consist of processors who send the request.

19. In regards to part D the Mitchell disclosed the information in (col. 5, lines 1-25). The microprocessor can be considered as processor and it is part of the gateway/management card. Where it does perform the functionality of management.

20. In response to part E the Mitchell reference does go into configuring of the system through interface card that is similar to programming the state machine (col. 7, 11. 3-10). "Configuring" and "programming" are just two different words with the same meaning.



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21. In response to part F Mitchell did disclose the argument you made in (col. 5, lines 1-26).

Any LAN/WAN network has a network switch in order to transmit the data among the computers. The network switch has multiple slots for different interface cards.

22. The part G argument about Latif reference, the argument does not fit properly, Examiner skill in the networking art with five years of Networking experience and three years doing daily routing and switching configuration for backbone ISP should understand that any Network switch has built in interface card slots that can be added or deleted on the size of the network.

23. The part H argument also very broad and its not found very persuasive. The Latif's reference does read on the Management card capability (col. 5, lines 1-3). NIC of the Latif's reference does have the management capability. Applicant's argument is very broad and has broad definition of the management card functionality that can have multiple interpretations.

24. The argument in Part I is not persuasive it argues about Latifs reference, which actually does fulfill the argument by introducing establishing communication with TCP/IP, Netware in a network. A network is defined as a different number of computers connected in a group format.

25. Applicant uses the word client that is defined as a computer that sends a request and at the same time a client can also be a processor.

26. In the similar fashion the argument in part J is very broad and not persuasive. In a network any communication among network devices cannot be done with out the Identifications of the devices and Interface cards.

***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

29. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703)-305-4815. The fax for this group is (703)-746-7239.

30. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

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(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label  
"PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED  
PROCEDURE"),

(703)-746-7238 (For After Final Communications).

31. Any Inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703)-305-3900.

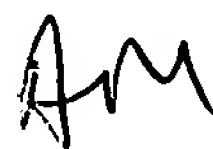
Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner

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MEHMET B. GECKIL  
PRIMARY EXAMINER

